

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)	
)	
and)	
)	
THE STATE OF OKLAHOMA,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 06-887C
)	
UNION PACIFIC RAILROAD)	Judge Robin J. Cauthron
COMPANY,)	
)	
et al.)	
)	
Defendants.)	
)	

UNOPPOSED MOTION TO ENTER THE PROPOSED CONSENT DECREE

On October 8, 2010, the United States and State of Oklahoma (“Plaintiffs”), lodged with this Court a proposed Consent Decree which resolves claims raised in a Complaint filed on August 22, 2006, under the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”), 42 U.S.C. §§ 9601 *et seq.*, against Union Pacific Railroad Company (“Union Pacific”), a past owner of the Double Eagle Refinery Superfund Site (the “Site”) in Oklahoma City, Oklahoma. The proposed Consent Decree also resolves claims against 276 additional defendants named in the Amended Complaint filed on October 8, 2010, for their potential liability as arrangers for disposal of

hazardous substances under CERCLA Section 107(a)(3), 42 U.S.C. §§ 9607(a)(3), and as owners and operators under CERCLA Section 107(a)(1) and (a)(2), as well as counterclaims filed by Union Pacific against Plaintiffs.

The proposed Consent Decree resolves claims brought by Plaintiffs against the Defendants for recovery of response costs incurred and to be incurred by Plaintiffs in connection with the Site. In accordance with 28 C.F.R. § 50.7 and Section XV of the proposed Consent Decree, notice of the lodging of the proposed Consent Decree was published in the *Federal Register* on October 18, 2010. The notice invited the public to comment on the proposed settlement within a period of thirty days. The United States did not receive any comments.

Plaintiffs believe that the proposed Consent Decree is fair, reasonable, and consistent with the purposes of CERCLA. Accordingly, Plaintiffs respectfully move that this Court approve and enter the proposed Consent Decree.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the **UNOPPOSED MOTION TO ENTER THE PROPOSED CONSENT DECREE and MEMORANDUM FOR THE PLAINTIFFS IN SUPPORT OF THE UNOPPOSED MOTION TO ENTER THE PROPOSED CONSENT DECREE** was served to the clerk of the Court for filing and uploading to the CM/ECF system on November 29, 2010 which will send notification of such filing to:

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